

United States District Court**DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

Amended
CRIMINAL COMPLAINT**Edmilson Gomes Pinto**CASE NUMBER: *04156*

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 29, 2002 in Suffolk County, in the

 District of Massachusetts defendant, (Track Statutory Language of Offense)

did knowingly possess a false identification document which appeared to be issued by or under the authority of the United States, knowing that such document was produced without lawful authority

in violation of Title 18, United States Code, Section(s) 1028(a)(6);

I further state that I am a(n) Special Agent, Social Security Administration and that this complaint is based on the following facts:

Official Title

See Attached Affidavit

Continued on the attached sheet and made a part hereof:



Yes



No

Vance Ely
Signature of Complainant

Vance Ely

Special Agent, Social Security Administration
United States Department of the Treasury

Sworn to before me and subscribed in my presence,

September 10, 2004

at

Boston, Massachusetts

Date

City and State

Lawrence P. Cohen, United States Magistrate Judge
Name & Title of Judicial Officer*Lawrence P. Cohen*
Signature of Judicial Officer

AFFIDAVIT OF SPECIAL AGENT VANCE ELY

I, Vance Ely, having been duly sworn, do hereby depose and state as follows:

1. I have been a Special Agent with the United States Social Security Administration ("SSA"), Office of the Inspector General, Office of Investigations, Boston Field Office, since May 1997. My duties include investigating violations of Title 42 and Title 18 of the United States Code. During the period of my employment, I have conducted numerous investigations of fraud and other criminal violations. I was previously employed by the United States Department of Justice, Immigration & Naturalization Service, as an Immigration Inspector for 4 ½ years. I also hold a Bachelor of Science degree from Westfield State College.

2. SSA is an agency within the Executive Branch of the United States Government responsible for approving applications for Social Security Numbers and issuing Social Security Number Cards to eligible applicants, as well as managing and administering retirement, disability, survivor benefits, and Supplemental Security Income programs to our nation's eligible beneficiaries.

3. The Social Security Act (42 U.S.C. §301 *et seq.*) was enacted in 1935 to provide for the general welfare by establishing a system of Federal Benefits. The Social Security Number ("SSN"), a nine digit number, was devised as a means to keep track of the earnings of individuals who work under covered employment. Along with the SSN, the Social Security Number Card ("SSNC") was created. SSNCs are issued with or without employment restrictions depending upon the eligibility of the individual making application. The Social Security Number Card bears a Social Security Number; shows the name of the person whose record is identified by that SSN; and contains a space for the person's signature.

4. The information set forth in this affidavit is based on my own investigation, my review of relevant SSA records, and information provided by others. This affidavit does not contain all information received during the course of the investigation but contains those facts that I believe are necessary and sufficient to establish probable cause for the issuance of the requested criminal complaint charging Edmilson Gomes Pinto with fraud in violation of 18 U.S.C. §1028(a)(6).¹

¹18 U.S.C. §1028(a)(6) provides in pertinent part: Whoever ... knowingly possesses an identification document that is or appears to be an identification document of the United States which is ... produced without lawful authority knowing that such document was ... produced without such authority [shall be guilty of a crime].

5. Pinto is a native and citizen of Brazil and, according to records maintained by Immigration and Customs Enforcement, at all relevant times he has not been present legally in the United States.

6. As an alien illegally present in the United States, Pinto is not entitled to receive a Social Security Account number card.

7. On May 30, 2001, Pinto applied for a Social Security Account number card. Pinto falsely represented on the application, known as an SS-5, that he was a legal alien allowed to work, knowing that, in truth and in fact, he was not a legal alien allowed to work.²

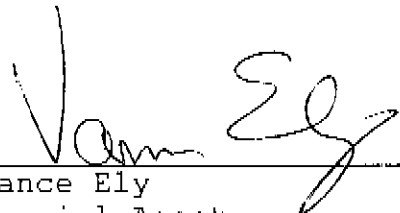
8. As a result of providing false information, Pinto received and possessed a Social Security card with social security account number 635-76-3590.

9. On 7/29/02, Pinto applied for a Massachusetts Driver's license. On the application, Pinto provided the social security number he had fraudulently obtained. The Massachusetts

²Defendant's SS-5 application was processed by former SSA employee Jesse Rocha. On September 8, 2003, he pled guilty to conspiracy to commit fraud in connection with identification documents in violation of 18 U.S.C. §1028(f); conspiracy to commit offenses against the United States in violation of 18 U.S.C. §371; conspiracy to launder monetary instruments in violation of 18 U.S.C. §1956(h) and fraud and misuse of documents in violation of 18 U.S.C. §1546(a). During his plea colloquy, Rocha admitted to processing and approving over 1700 applications for SSNCs for illegal aliens during the period from April 2000 to December 2002. See Ind. 02-10405-GAO.

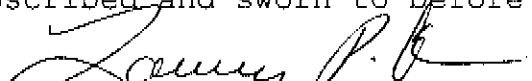
RMV requires that an individual applying for a driver's license present proof of identification, such as a social security account number, to obtain a driver's license.

10. Based upon the foregoing information, there is probable cause to believe that on 7/29/02, Pinto did knowingly possess an identification document that is or appears to be an identification document of the United States which was produced without lawful authority, knowing that such document was produced without such authority, in violation of Title 18, United States Code, Section 1028(a)(6).



Vance Ely
Special Agent
United States Social Security
Administration
Office of Inspector General

Subscribed and sworn to before me this 10th day of September, 2004



LAWRENCE P. COHEN
UNITED STATES MAGISTRATE JUDGE

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: Boston Category No. 11 Investigating Agency ICECity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number 04-00056-LPC
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Edmilson Gomes Pinto Juvenile ☐ Yes ☒ No

Alias Name _____

Address 2-2A First Street, Medford, MA 02155Birth date (Year only): 1966 SSN (last 4 #): 3590 Sex m Race: _____ Nationality: Brazil

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Dena T. Sacco Bar Number if applicable _____Interpreter: ☒ Yes ☐ No List language and/or dialect: PortugueseMatter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested☐ Regular Process☒ In Custody**Location Status:**Arrest Date: 8/31/04☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☒ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty _____ ☒ Misdemeanor one ☐ Felony _____

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 9/09/04Signature of AUSA: Dena T. Sacco

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant _____

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	18 U.S.C. § 1028(a)(6)	possession of identification document	
Set 2			
Set 3			
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION: